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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,108	07/08/2003	Jeff Grady	4185-101-CIP	9122

23448 7590 10/19/2006

INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

NGUYEN, THUAN T

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/615,108	Applicant(s) GRADY, JEFF	
	Examiner THUAN T. NGUYEN	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-102 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-38 and 41-75 is/are allowed.
- 6) ☒ Claim(s) 39,40 and 76-102 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 11/17/05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent 6,591,085 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Remark

2. The examiner agrees with the applicant during a telephone inquiry from the applicant on 02/13/06 that the notice of non-compliance previously indicated should be withdrawn and a new action should be forthcoming.

Allowable Subject Matter

3. Claims 1-38, and 41-75 have been allowed.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

The closest prior art of records issued to White and Diaz fails to either alone or combine to teach or suggest an FM transmitter and power supply/charging assembly coupled to a MP3 player with the arrangement of docking, docking cavity with retention means for retaining the MP3 player in the position in the cavity, power charging circuitry, wherein the electrical power is transmitting through a modular docking unit and the power charging circuitry, and to accommodate FM transmission by the FM transmitter of audio content when played by the MP3 player in the docking cavity unit as cited in claim 1, and similarly in claims 31, 36-37. White teaches a docking unit for a portable computer apparatus (Figs. 10 & 11); however, White is silent on whether the device is a MP3 or any digital media player; and the docking is not coupled

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to an FM transmitter for accommodating the FM transmission by the FM transmitter of audio content when played by the MP3 player in the docking cavity. Meanwhile, Diaz simply teaches a different technique by using a remote control for controlling an MP3 player coupled to the vehicle system (Diaz, col. 4/lines 47-59).

Claim Rejections - 35 USC 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

6. Claims 39-40, and 76-102 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang (U.S. Patent No. 6,573,683).

Regarding claim 39 and 40, Chang teaches a docking and power supply/charging assembly electrically coupled to an MP3 player comprising a structure for receiving the MP3 player therein, with the power charging for the player, and an adjustable mounting element affixed to a plug connector engageable with a cigarette lighter socket of a motor vehicle and adapted to maintain the MP3 player in any of plurality of spatial positions, and the plug connector being in electrical communication with the at least one power/charging circuit element (refer to Figs. 1 & 2 for adjustable mounting element 114 & 116 and connector 110 as cigaretter

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lighter for electrically coupling as shown in Fig. 2, and col. 7/line 32 to col. 8/line 23 for how the docking device is being adjusted and rotated, and the electronic product or audio transmitter can be a MP3 player).

As for claim 76, Chang teaches the docking further has ports for connecting external devices (Fig. 2, items 222 & 226 and col. 8/lines 13-23).

As for claims 77 and 81, the examiner takes an official notice that the display of a digital frequency indicator is well known in the art.

As for claims 78 and 82, Chang teaches further includes the use of USB coupling (col. 7/lines 33-36).

As for claims 79 and 83, the examiner takes another official notice that the MP3 is known to include a storage or a memory for receiving and storing digital media files.

As for claim 80, this feature is discussed in claim 39 above.

Regarding claims 84-91, these claims are inherently disclosed by Chang and as noted above in claim 79, the media player MP3 comprising a storage for storing digital media files, and these claims simply refer to the docking assembly and how the media player device engages in the docking and/or plug in and take out from the docking station, together with the feature of USB coupling as discussed above, and the assembly can be adjusted or rotated in any position; and the cigarette lighter with the display of digital frequency indicator are already addressed earlier above.

As for claims 92-102, these method claims with similar features already addressed above are rejected for the reasons given in the scope of claims 39-40 and 77-83 as noted above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Johnson et al, Poplawsky et al., lewitt, and Fadell et al. (PTO-892 attached) discloses systems related to MP3, power supply, FM transmitter and audio player system.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to the New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,

Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Division or Art Unit 2618.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tony T. Nguyen', with a stylized flourish at the end.

TONY T. NGUYEN
PATENT EXAMINER, FSA

Tony T. Nguyen
Art Unit 2618
October 10, 2006